

REMARKS

Status of Claims

Claims 1-45 are pending in the present application. Claims 2, 3, 6, 8 and 11 stand objected to. Claims 1, 4, 5, 7, 9 and 12-45 stand rejected. Favorable reconsideration is respectfully requested in light of the following remarks.

Rejections Under 35 U.S.C. 102(a) – Weaver et al. (5,666,776)

Claims 1 and 4-5 stand rejected under 35 U.S.C. 102(a) as being unpatentable over Weaver et al.

Applicant respectfully traverses the rejection as Weaver et al. fail to meet several of Applicant's claimed limitations.

Applicant claims (in part):

“an overlay having a plurality of spaced-apart tabs each of said tabs having a first shadow line and a remaining portion; a layer of granules disposed on said first shadow line and on said remaining portion of said tabs, said granules on said first shadow line of said tabs being substantially darker in color than said granules on the remaining portion of said tabs...”

Weaver et al. teach a first shingle sheet 30 having a headlap section 32 and a buttlap section 34. Weaver et al. teach a plurality of tabs 36 which define the buttlap section 34. Weaver et al. further teach a backer strip 50 to which the first shingle sheet 30 is adhered (col. 3, lines 15-50). Weaver et al. further teach an exposed outer surface 42 defined by tabs 36 may be coated with various types of mineral granules to protect the asphalt coating (col. 3, line 63-67 to col. 4, line 1-3).

Nowhere do Weaver et al. teach or suggest, **“an overlay having tabs, each of said tabs having a first shadow line and a remaining portion, the granules on said first shadow line of said tabs being substantially darker in color than said granules on the remaining portion of said tabs...”** as Applicant claims.

The Examiner indicates a “remaining portion” in Fig. 2 of Weaver et al. The “remaining portion” the Examiner refers to **does not** include granules as Applicant claims. As such, Weaver et al. fail to teach or suggest Applicant’s claimed limitation.

As stated above, Weaver et al. do not teach or suggest an overlay including tabs having granules on a first shadow line of the tabs being substantially darker in colors than said granules on the remaining portion of the tabs **on the overlay**. Weaver et al. teach that the first shingle sheet 30 may be coated with mineral granules (col. 3, lines 66-67). Weaver et al. teach that the surface of **backer strip 50** includes horizontal striations to provide a color gradient (col. 4, lines 11-19).

Claims 4-5 depend from claim 1 and contain the limitations thereof. As such, Applicant respectfully submits that the claimed invention defines over the Weaver et al. reference and requests that the 102(a) rejection of claims 1 and 4-5 be withdrawn.

Claims 7, 9-10 stand rejected under 35 U.S.C. 102(a) as being anticipated by Weaver et al.

Weaver et al. fail to teach or suggest the limitations of claim 7. Claim 7 contains the limitations of claim 1, which has been argued above. Claims 9 and 10 depend from claim 7 and contain these limitations. As such, Applicant respectfully submits that the claimed invention defines over the Weaver et al. reference and requests that the 102(a) rejection of claims 7 and 9-10 be withdrawn.

Claim 21 stands rejected under 35 U.S.C. 102(a) as being anticipated by Weaver et al.

Applicant respectfully traverses the rejection as Weaver et al. fail to meet Applicant’s claimed limitations.

Applicant clearly claims the **tab having a remaining portion** and the **remaining portion having granules thereon**. Weaver et al. fail to teach or suggest a tab having a remaining portion having granules thereon. Further, as indicated in the Examiner's drawing (Weaver et al.) at page 6 of the Office Action, the remaining portion which **does not** include granules.

For this reason, Applicant respectfully submits that claim 21 is clearly allowable over the Weaver et al. reference. Applicants respectfully request that the 102(a) rejection of claim 21 be withdrawn.

Claim 22 stands rejected under 35 U.S.C. 102(a) as being anticipated by Weaver et al.

Applicant respectfully traverses the rejection as Weaver et al. fail to meet several of Applicant's claimed limitations.

In claim 22, Applicant clearly claims (in part), **"a tab having a first shadow line and a remaining portion, the shadow line being positioned between the leading ledge and the remaining portion..."** Weaver et al. fail to teach or suggest a tab having a first shadow line and a remaining portion.

Applicant further claims (in part), **"a layer of granules disposed on said first shadow line and on said remaining portion of said tab, said granules on said first shadow line being darker in color than said granules on said remaining portion..."**

Weaver et al. fail to teach or suggest a tab having a remaining portion having granules thereon. Further, as indicated in the Examiner's drawing (Weaver et al.) at page 6 of the Office Action, the remaining portion which **does not** include granules. Weaver et al. also does not teach or suggest granules **on the first shadow line on the remaining portion of the tab** being darker in color than the granules on said remaining portion, (of the tab), as Applicant claims.

For these reasons, Applicant respectfully submits that claim 22 is clearly allowable over the Weaver et al. reference. Applicants respectfully request that the 102(a) rejection of claim 22 be withdrawn.

Claim 23 stands rejected under 35 U.S.C. 102(a) as being anticipated by Weaver et al.

Applicant respectfully traverses the rejection as Weaver et al. fail to meet several of Applicant's claimed limitations.

In claim 23 (as in claim 22), Applicant clearly claims (in part), **"a tab having a first shadow line and a remaining portion, the shadow line being positioned between the leading ledge and the remaining portion..."** Weaver et al. fail to teach or suggest a tab having a first shadow line and a remaining portion.

Applicant further claims (in part), **"a layer of granules disposed on said first shadow line and on said remaining portion of said tab, said granules on said first shadow line being darker in color than said granules on said remaining portion..."**

Weaver et al. fail to teach or suggest a tab having a remaining portion having granules thereon. Further, as indicated in the Examiner's drawing (Weaver et al.) at page 7 of the Office Action, the remaining portion which **does not** include granules. Weaver et al. also does not teach or suggest granules **on the first shadow line on the remaining portion of the tab** being darker in color than the granules on said remaining portion, (of the tab), as Applicant claims.

For this reason, Applicant respectfully submits that claim 23 is clearly allowable over the Weaver et al. reference. Applicants respectfully request that the 102(a) rejection of claim 23 be withdrawn.

Claims 24 and 26-32 stand rejected under 35 U.S.C. 102(a) as being anticipated by Weaver et al.

Applicant respectfully traverses the rejection as Weaver et al. fail to meet Applicant's claimed limitations.

In claim 24, Applicant clearly claims (in part), "**an overlay having a tab...first colored granules adhered to said tab...second colored granules adhered to said outer surface of said tab...said second colored granules having a different coloration or shade than said first colored granules...**"

Weaver et al. fail to teach or suggest an overlay having a tab with first and second colored granules, the second colored granules having a different coloration or shade than the first colored granules. Weaver et al. teach that the first shingle sheet 30 may be coated with mineral granules (col. 3, lines 66-67). Weaver et al. teach that the surface of **backer strip 50** includes horizontal striations to provide a color gradient (col. 4, lines 11-19).

Weaver et al. fail to teach or suggest the limitations of claim 24. Claims 26-32 ultimately depend from claim 24 and contain these limitations. As such, Applicant respectfully submits that the claimed invention defines over the Weaver et al. reference and requests that the 102(a) rejection of claims 24 and 26-32 be withdrawn.

35 U.S.C. 103(a) Rejections

Claims 25 and 33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Weaver et al.

One of the criteria for establishing a case of *prima facie* case of obviousness is that the applied reference must teach or suggest all the claim limitations. As stated above, Weaver et al. fail to teach or suggest the limitations of claim 24. Claims 25 and 33 ultimately depend from claim 24 and contain these limitations thereof.

As such, Applicant requests that the 103(a) rejection of claims 25 and 33 be withdrawn.

Claims 12-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Weaver et al.

Applicant respectfully traverses the rejection as Weaver et al. fail to meet Applicant's claimed limitations.

As stated above with regard to claim 1, nowhere do Weaver et al. teach or suggest, "an overlay having tabs, each of said tabs having a first shadow line and a remaining portion, the granules on said first shadow line of said tabs being substantially darker in color than said granules on the remaining portion of said tabs..." as Applicant claims. Weaver et al. teach that the first shingle sheet 30 may be coated with mineral granules (col. 3, lines 66-67). Weaver et al. teach that the surface of **backer strip 50** includes horizontal striations to provide a color gradient (col. 4, lines 11-19).

Applicants claim (claim 12) in part, "A method for making a laminated roofing shingle having an overlay... **the overlay having tabs....the tabs having leading edges... including the steps of forming a granule covered sheet by applying a layer of granules so as to apply darker granules to portions of the base material corresponding to the leading edge of the tabs (on the overlay)...and apply lighter colored granules to remaining portions of the tabs (on the overlay)....**"

One of the criteria for establishing a case of *prima facie* case of obviousness is that the applied reference must teach or suggest all the claim limitations. As stated above, Weaver et al. fail to teach or suggest the limitations of claim 12. Claims 13-20 ultimately depend from claim 24 and contain these limitations thereof. As such, Applicant respectfully submits that the claimed invention defines over the Weaver et al. reference and requests that the 103(a) rejection of claims 12-20 be withdrawn.

Claims 34-45 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Weaver et al.

Applicant respectfully traverses the rejection as Weaver et al. fail to meet Applicant's claimed limitations.

In claim 34, Applicant clearly claims (in part), "A method for making a roofing shingle having an **overlay....said overlay having a tab**, said tab having a leading edge...forming a granule covered sheet by applying a layer of granules of one color shade....**corresponding to the leading edge of the tab of the shingle....**and apply granules of a different color or shade to adjacent portions of the tab..."

Nowhere do Weaver et al. teach or suggest an overlay having a tab and applying a layer of granules of one color shade corresponding to the leading edge of the tab (of the overlay) and applying granule of a different color shade to adjacent portions of the tab (of the overlay). Weaver et al. teach that the first shingle sheet 30 may be coated with mineral granules (col. 3, lines 66-67). Weaver et al. teach that the surface of **backer strip 50** includes horizontal striations to provide a color gradient (col. 4, lines 11-19).

As stated above, the criteria for establishing a case of *prima facie* case of obviousness has not been met as Weaver et al. do not teach all of Applicant's claim limitations (claim 34). Claims 35-45 ultimately depend from claim 34 and contain these limitations thereof. As such, Applicant respectfully submits that the claimed invention defines over the Weaver et al. reference and requests that the 103(a) rejection of claims 34-45 be withdrawn.

CONCLUSION

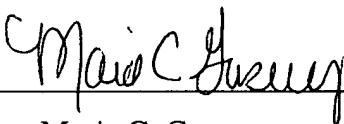
In view of the foregoing amendments and remarks, Applicants submit that claims 1-45 are allowable. The Examiner is invited to telephone the Applicants' undersigned agent at (740) 321-7213 if any unresolved matters remain.

If any questions should arise with respect to the above Remarks, or if the Examiner has any comments or suggestions to place the claims in better condition for allowance, it is requested that the Examiner contact Applicants' agent at the number listed below.

Applicant authorizes any fees required pertaining to this response be charged to Deposit Account No. 50-0568.

Respectfully submitted,

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